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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,278

06/15/2005

Benoit Coenraets

COENRAETS10

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EXAMINER

PUROL, DAVID M

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

03/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/510,278	Applicant(s) COENRAETS, BENOIT	
	Examiner David M. Purol	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03172009</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 10, 2009 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,4,6-9,11,12,14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruffner (U.S. Patent No. 6,035,253) in view of Stroup et al (U.S. Patent No. 3,090,427). Ruffner discloses a wall 15,16,20,21 with a set of doors comprising a first flexible door 12 having sealing elements 65,66,68,69, a second door 11 having a rigid bottom edge with the flexible door 12 at least partially being arranged between the second door 11 and the wall 15,16,20,21. While Ruffner does not disclose the use of guide strips, Stroup et al disclose a door with a rigid bottom edge comprising a guide strip 9 on the wall 1 and a guide strip 20 on bottom edge of the door 19, wherein, to incorporate this teaching into the door of Ruffner for the purpose of guiding and maintaining a sealing engagement with the set of doors would have been obvious to one of ordinary skill in the art.

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3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruffner (U.S. Patent No. 6,035,253) in view of Stroup et al (U.S. Patent No. 3,090,427) as applied to claims 1,3,4,6-9,11,12,14-17 above, and further in view of Church (U.S. Patent No. 4,141,403). While Ruffner does not disclose the use of a cylinder for a guide surface, Church discloses a door using a cylinder 44,45 as a guide surface, wherein, to incorporate this teaching into the wall with a set of doors of Ruffner, as modified by Stroup et al, for its explicit purpose of guiding would have been obvious to one of ordinary skill in the art.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruffner (U.S. Patent No. 6,035,253) in view of Stroup et al (U.S. Patent No. 3,090,427) as applied to claims 1,3,4,6-9,11,12,14-17 above, and further in view of Horner et al (U.S. Patent No. 5,887,385). While Ruffner does not disclose guide tracks which are elastically or pivotably mounted to the wall, Horner et al disclose a door comprising guide tracks 20 which are elastically or pivotably mounted 48 to a wall, wherein, to incorporate this teaching into the wall with a set of doors of Ruffner, as modified by Stroup et al, for the purpose of accommodating the movement of the doors would have been obvious to one of ordinary skill in the art.

5. The applicant argues that none of the documents either alone or in combination disclose or teach that when the second door (2) is in the open position and the flexible door (i) is in its closed position a contact and/or seal is formed between the flexible door (i) and the wall (4) above the bay (3) and also the flexible door (I) is supported against the bottom edge (17) of the second door (2) in order to maintain the contact and seal.

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This is not convincing for the applicant's argument is based upon a functional limitation, wherein, it is only necessary that the prior art be capable of performing the function.

Inasmuch as the references to Ruffner and Stroup et al disclose each of the claimed structural limitations they are clearly capable of performing the stated function of sealing.

The applicant argues that Ruffner does not disclose that the flexible door is supported against the bottom edge of the second door in order to maintain the contact and seal between the flexible door and the wall above the bay when the second door is in the open position and that Stroup does not disclose, suggest, or remotely imply that the seal at the bottom edge of the door can be used for supporting a seal at the top of the bay when the door is in the open position. This is not convincing for the seal is capable of providing a supporting function.

Applicant's arguments have been fully considered but they are not persuasive inasmuch as all the claimed elements are known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Purol whose telephone number is (571) 272-6833.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Katherine Mitchell, can be reached at (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David M Purol/
David M Purol
Primary Examiner
Art Unit 3634

/D. M. P./
(571) 272-6833
March 20, 2009